

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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SEAN MCGINTY, an individual,
Plaintiff,
v.
HOLT OF CALIFORNIA; and DOES 1
through 50, inclusive,
Defendants.

No. 2:22-cv-865 WBS AC

ORDER

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Plaintiff brought this employment action in state court against his former employer alleging he was terminated in retaliation for blowing the whistle on unlawful workplace practices. (Notice of Removal, Ex. A, Compl. (Docket No. 1).) After defendant removed the action to this court, plaintiff moved to remand. (Docket Nos. 1, 5.) This court ultimately held that plaintiff's claims, which were brought solely under California law, were not preempted by federal law. Accordingly, the court granted plaintiff's motion and remanded the case to the Superior

1 Court of the State of California, in and for the County of San
2 Joaquin. (Docket No. 9.) See 28 U.S.C. § 1447(c) ("If at any
3 time before final judgment it appears that the district court
4 lacks subject matter jurisdiction, the case shall be remanded.").

5 Plaintiff, now acting pro se, has moved to reopen this
6 case. (Docket No. 10.) However, as the court previously
7 determined in its order remanding the case to the San Joaquin
8 Superior Court, it has no subject matter jurisdiction over
9 plaintiff's claims in this case. Accordingly, plaintiff's motion
10 to reopen is DENIED.

11 IT IS SO ORDERED.

12 Dated: October 29, 2024



13 **WILLIAM B. SHUBB**
14 **UNITED STATES DISTRICT JUDGE**

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